REMARKS

The Examiner has rejected claims 1, 3, 4, 6, 7, 9, 11, 12, 14, 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,091,414 to Kraft, IV et al. in view of U.S. Patent 7,200,857 to Rodriguez et al. In addition, the Examiner has rejected claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. in view of Rodriguez et al., and further in view of U.S. Patent 5,596,502 to Koski et al.

The Kraft, IV et al. patent discloses a system and method for cross-environment interaction in a computerized graphical interface environment, in which two (or more) applications are concurrently running on a processor and have corresponding windows appearing on the display. The window corresponding to the application with current user focus is distinguished from the other windows (e.g., a different border color, appearing on top of the other windows, etc.). The focused application is provided with more CPU resources relative to remaining tasks, applications, etc.

The Rodriguez et al. patent discloses synchronized video-on-demand supplemental commentary, in which advertisement pop-ups are provided during a movie-on-demand, the Advertisement pip-ups being externally controlled and provided by a media provider.

It is Applicants position that while Rodriguez et al. discloses the appearance of pop-ups, there is no disclosure or suggestion that there is a reallocation of the resources of the system such that the pop-up has the current focus of the user.

The Examiner now states:

> "Rodrigues teaches [Advertisement pop-ups are optional supplements that enable the user to receive product information during the on-demand video presentation in exchange for a lower rental fee. The advertisements may be specific to products inherent during the course of the on-demand movie such a watch worn by a leading actor. Furthermore, the advertisement supplement's active time interval may be concurrent to the time in the movie that the leading actor reads the time on the watch (column 10, lines 12-20)]. Thus, the system needs to, at the very least, allocate resources to ensure that the advertisement supplement's active time interval may be concurrent to the time in the movie that the leading actor reads the time on the watch. Further, since the pop-ups are optional supplements to the user's current focus (for example, the movie would be the user's current focus when the user is watching a movie), resources have to be allocated so that this optional supplements, which may not exist in a basic setting, are added onto the basic stuff."

Applicants acknowledge that there must be a reallocation of resources such that the pop-ups of Rodriguez et al. are visible. However, there is no disclosure or suggestion in Rodriguez et al. that the resources are reallocated such that the pop-ups have the current focus of the user. As described in the specification on page 2, line 28 to page 3, line 3, "the application with the current focus of the user" is define as an application "which is currently prioritized by a user". In the example of a pop-up appearing on an on-demand movie, an indication that the pop-up has the current focus of the user would be that the user could activate the pop-up by merely "clicking" on the pop-up using a cursor. However, if the user needs to, for example, in addition, press the "CONTROL" key on his/her computer while clicking on the pop-up, this would be indicative that the pop-up does not have the current focus of the user, and the simultaneous pressing of the "CONTROL"

key with the clicking on the pop-up shift the system allocation such that the pop-up has the current focus of the user, thereby enabling the user to activate the pop-up.

However, there is no disclosure or suggestion in Rodriguez et al. that the pop-up now has the current focus of the user. Hence, Applicants submit that the disclosure in Rodriguez et al. does not meet that claim limitation "wherein a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user".

The Examiner now states:

> "First, figure 7 of Rodriguez shows the display screen with "pop-up comments" (123) as one of the displayed item. Significantly, it specifically shows that the "pop-up comments" is the high-lighted item (with board outlines), which indicates it is the current focus of the user.
>
> "Second, figure 8 further shows the display of the screen when the "pop-up comments" is activated [FIG. 8 depicts an example stopped video window 130 that is presented to the user after the user stops the presentation of a video rental for which actors' pop-up comments had been activated ... Rental control options list 133 contains rental control options, such as the option to "De-activate comments" 134 ... (col. 11, lines 14-34)]. Note that activating and de-activating of the "pop-up comments" further confirm that it is the current focus of the user.
>
> "Further, figures 9 and 10 also show the display of the screen when the "pop-up comments" is activated [FIG. 9 depicts an example stopped video window 140 that is presented to the user after the user stops the presentation of a video rental for which pop-up comments are not activated. Rental control options list 133 contains rental control options, such as the option to "Activate pop-up comments" 144, and a highlighted option area 135. A user can activate pop-up comments by selecting the "Activate pop-up comments" option 144 via the remote control device 80 ... (col. 11, lines 35-45); FIG. 10 depicts an example pop-up comments selection window 150 that is presented to the user after the user selects the "Activate pop-up comments"

option 144 via stopped video window 140 ... (col. 11, lines 61-67)].

"Thus, Rodriguez clearly teaches that the pop- have the current focus of the user".

Applicants submit that Fig. 7 does not show an example of a display with pop-up comments. Rather, Fig. 7 is a rental options selection window allowing the user to enable pop-up comments when the video is being presented. Figs. 8 and 9 show stopped video windows that are presented after the user has stopped presentation of the video, where the status of pop-up comments is displayed, while Fig. 10 shows such a stopped video window in which the user has selected the "Activate pop-up comments" option in the stopped video window. However, none of Figs. 8-10 show actual pop-up comments, which would appear during the presentation of the video, and none of Figs. 7-10 show that the pop-up comments, when they appear (assuming that they are activated) during the presentation of the video, have the current focus of the user. Rather, the selections made in Figs. 7-10 only control whether the pop-up comments appear.

The Koski et al. patent discloses a computer system including means for decision support scheduling, which the Examiner indicates as teaching "the motivation of having a learning function with different weights to take previous user setting into account when performing automatic setting is to allocate the best available resource [in response to demand placed on the Cube World by a customer order, which program allocates the best available resources to produce products".

However, Applicants submit that Koski et al. does not supply that which is missing from Kraft, IV et al. and Rodriguez et al., i.e., "wherein a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 3, 4, 6-9, 11, 12 and 14-17, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by___/Edward W. Goodman/_____
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611